

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

SAMANTHA R. FLAX,

Plaintiff

v.

JPMORGAN CHASE BANK, N.A., *et al.*,

Defendants

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CIVIL NO. JKB-16-1039

MEMORANDUM

Plaintiff Samantha R. Flax filed this suit on February 26, 2016, in the Circuit Court for Baltimore County, Maryland, against JPMorgan Chase Bank, N.A. (“Chase”), American Education Services (“AES”), and LendKey Technologies, Inc. (“LendKey”). (ECF No. 2.) It was timely removed to this Court (ECF No. 1) and shortly afterward, Plaintiff filed an amended complaint against Chase, LendKey, and Pennsylvania Higher Education Assistance Agency, Inc., d/b/a American Education Services.¹ (ECF No. 22.)

Chase has filed an answer to Count I of the amended complaint (hereinafter, “the complaint”) (ECF No. 19) and a motion to dismiss all other counts against it (ECF No. 20). That motion has been briefed (ECF Nos. 28, 33) and is ready for decision. LendKey filed a motion to dismiss the complaint against it (ECF No. 24), which Plaintiff has not opposed. (*See* Paperless Order, 6/27/16, directing Plaintiff to advise the Court if she intended her opposition to Chase’s motion also to serve as opposition to LendKey’s motion (ECF No. 29); Paperless Order, 7/6/16,

¹ Since AES is not a separate entity, the Clerk will be directed to terminate AES as a party in the case. Also, since Plaintiff has never served the Pennsylvania Higher Education Assistance Agency, Inc., the Court will order Plaintiff to show cause why that defendant should not be dismissed for failure to serve within ninety days of filing suit, pursuant to Federal Rule of Civil Procedure 4(m).

concluding Plaintiff had filed no opposition to LendKey's motion (ECF No. 32).) No hearing is necessary. Local Rule 105.6 (D. Md. 2016).

The Court construes Plaintiff's silence on LendKey's motion as her concession of its merit. Further, the Court finds the motion is amply supported by good cause and will grant it by separate order, dismissing LendKey from the case. Additionally, the Court has carefully considered Chase's motion as well as Plaintiff's opposition, which is devoid of persuasive argument, and concludes that, for the reasons stated in the motion and reply, Counts II through VII shall be dismissed against Chase. A separate order will enter.

DATED this 16th day of November, 2016.

BY THE COURT:

_____/s/_____
James K. Bredar
United States District Judge